

REMARKS

Claims 1-50 are pending in the present application. Claims 1-6 and 50 were rejected and claims 7-49 were allowed. Reconsideration of the claims is respectfully requested.

The declaration filed on June 3, 2003 under 37 CFR 1.131 was considered but deemed ineffective to overcome the Tian US Patent Application Publication 2002/0164132 A1 reference. The declaration failed to present evidence sufficient to establish reduction to practice of the invention in the United States or a NAFTA or WTO member country prior to the effective date of the Tian '132 reference.

This response is accompanied by signed declarations of both inventors with supporting Exhibits A and B that establish the date of invention to be no later than January 31, 2001 and due diligence through filing of the U.S. Patent application on September 26, 2001 sufficient to swear behind the effective date of the Tian '132 reference. The declarations have been amended to specifically state that the invention was conceived and reduced to practice in the United States.

Therefore, the rejections of claims 1-6 and 50 under 35 U.S.C. § 102(e) and 103(a) have been respectively traversed.

Conclusion

It is respectfully urged that the subject application is patentable over the cited references and is now in condition for allowance.

The Examiner is invited to call the undersigned at the below listed telephone number if, in the opinion of the Examiner, such a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,

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